

**REMARKS**

Claims 1 – 8 are pending in the application. Claims 1 – 6 are rejected and claims 7 and 8 are objected to. Claims 1, 2, 7 and 8 are currently amended. Claims 9-12 are submitted as new claims. Claims 1-12 remain for consideration.

Paragraph [0027] has been amended to correct a typo-graphical error. The word “access” has been replaced with the proper word -- axis --.

***Claim Rejections – 35 USC §102***

The Examiner rejects claims 1, 3 and 4 as being anticipated by Baker (U.S. Patent No. 6,348,859). The Examiner states:

Baker discloses a lighted headgear comprising a protective shell defining an inside surface and an outside surface (fig 5); a plurality of lamps emitting light from said outside surface (fig 5, 88); a power supply in electrical communication with said plurality of lamps to provide power for the operation of said plurality of lamps (fig 8); and a motion detecting switch in communication with said lamps such that, upon movement of said motion detecting switch (196), electrical power is supplied to at least one lamp of said plurality of lamps for a predetermined period of time, power supply comprises a battery, each lamp of said plurality of lamps is a light emitting diode.

The Examiner states that Baker teaches “... a plurality of lamps emitting light from a said outside surface (fig. 5, 88) ...”. However, Applicant wishes to point out that the plurality of lamps taught in Baker are not emitting light from the outside surface of the headgear but instead emit light from enclosures, e.g., first enclosure 92, of articulated

structure 90. Applicant therefore asserts that the Baker reference does not anticipate the language of claim 1. However, claim 1 has been amended to better claim the features of Applicant's invention. Amended claim 1 now has a claim element directed to:

“a plurality of lamps adapted to emit light through said outer shell;”.

Amendment to claim 1 is supported in the application at page 3, paragraph 7 which states in part “... an outer shell ... having a plurality of translucent windows therein ... such that each lamp can project light through a translucent window ...”. Clearly Baker does not teach the plurality of lamps adapted to emit light through an outer shell. Applicant therefore requests allowance of claim 1.

Dependant claims 3 and 4 each depend from amended claim 1. Dependant claims 3 and 4 are therefore submitted to be patentable for at least this reason.

### ***Claim Rejections – 35 USC §103***

The Examiner rejects claims 2, 5 and 6 as being unpatentable over Baker as applied to claim 1 and further in view of Gregg et al. (U.S. Patent No. 6,325,521). The Examiner states:

Baker discloses the device as recited in claim 1. Gregg et al discloses a helmet with a lighting element having a flasher module which receives power from said power supply and selectively provides power to individual lamps of said plurality of lamps, said flasher module having a plurality of programs for

flashing said plurality of lamps, wherein said predetermined period of time is the length of time a particular program, a first program of said plurality of programs turns on all of the lamps of said plurality of lamps for said predetermined period of time, said predetermined period of a time is a first predetermined period of time and a second program of said plurality of programs flashes individual lamps of said plurality of lamps in a random manner for a second predetermined period of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of Gregg in the device of Baker since as taught by Gregg, such a light display method is advantageous for the purpose of providing a dynamic display of light for safety purposes of the user of the helmet.

Dependant claims 2, 5 and 6 each depend from amended claim 1 which is submitted to patentable. Dependant claims 2, 5 and 6 are therefore submitted to be patentable for at least this reason.

***Allowable Subject Matter***

The Examiner objects to claims 7 and 8 as being dependent upon a rejected base claim, but states that the claims "... would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Claims 7 and 8 have been amended to include all the limitations of original base claim 1. Applicant therefore asserts that amended independent claims 7 and 8 are now in condition for allowance.

*New Claims*

Applicant submits new claims 9-12. New dependant claim 9 states that “each of said plurality of lamps are beneath an outer surface of said protective shell”. The limitations in claim 9 are supported in paragraph [0026], which states in part, “each of the lamps 50 are located in one of recessed areas 22 and preferably do not protrude above the outside surface 16 of the protective shell 12.”

New dependant claim 10 states that, “outer shell is provided with a plurality of translucent windows through which said lamps emit light.” New claim 11 depends from claim 10 and further defines the windows, stating “translucent windows comprise protrusions”. New claim 12 depends from claim 11 and has a limitation stating “said protrusions are elliptical having a longitudinal axis aligned with the front and back axis of said protective shell”. New claims 10-12 are supported in paragraph [0027] and [0036] of the specification. Paragraph [0027] states in part:

“... Outer shell 52 has a plurality of protrusions 56. Each of protrusions 56 is preferably elliptical or football shaped and has longitudinal axis 58 that is aligned with a front to back axis of the helmet 10. Each protrusion 56 preferably corresponds to a recessed area 22 for transmitting light from each of the plurality of LED lamps 50 located therein.”

Paragraph [0036] states in part:

“In use, LED lamps 50 project light through protrusion 56 in outer shell 52. Protrusions 56 are clear, or otherwise translucent, so that light emitted from LED lamps 50 illuminate protrusions 56 ...”

Considering the foregoing, it is sincerely believed that this case is in condition for allowance, which is respectfully requested.

No additional fee is believed to be due. However, if any fee is made payable by the filing of this paper, please consider this our authorization to charge the Deposit Account of the undersigned, No. 06-0540.

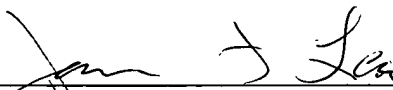
This paper is intended to constitute a complete response to the outstanding Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

Respectfully submitted,

Date:

2-03-05

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